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15  
16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA

18 DOE 1, an individual; DOE 2, an  
19 individual; DOE 3, an individual; DOE  
20 4, an individual; Doe 5, an individual;  
and DOE 6, an individual,

1 CASE NO.: 8:18-cv-01499

2  
3 **COMPLAINT FOR VIOLATION OF**  
**CIVIL RIGHTS**

4  
5 Plaintiffs,

6 v.

7 SUPERIOR COURT OF  
8 CALIFORNIA, COUNTY OF  
9 ORANGE, a California public entity,

10 Defendant.

11  
12 Plaintiffs hereby allege, by and through their undersigned counsel, for their  
13 Complaint as follows:

14  
15 **INTRODUCTION**

16 1. On May 17, 2018, the Superior Court of California, County of  
17 Orange, the Honorable John C. Gastelum presiding, issued an order (the “May 17  
18 Order,” attached hereto as **Exhibit B**) on a motion for a protective order in *Roe 1*

1     *vs. Defendant Doe 1, Congregation, et al.*, Case No. 30-2014-00741722-CU-PO-  
 2 CJC (the “State Litigation”). In the State Litigation, plaintiff Roe 1 alleges that  
 3 defendant Does 1-3 are responsible, directly or indirectly, for sexual abuse  
 4 involving one of Jehovah’s Witnesses from 1994-1998.

5       2. During the course of the State Litigation, Roe 1 propounded discovery  
 6 requests seeking documents from Doe 2, the Jehovah’s Witnesses’ supervisory  
 7 organization, Watchtower Bible and Tract Society of New York (“Watchtower”),  
 8 that relate to allegations of sexual abuse.

9       3. On February 21, 2018, Watchtower filed a motion for a protective  
 10 order for relief from responding to certain of Roe 1’s requests for production of  
 11 documents on grounds that responses thereto would violate the clergy-penitent  
 12 privilege and violate the constitutionally-protected privacy rights of individuals  
 13 identified in the responsive documents.

14       4. The Court’s May 17 Order partially granted and partially denied  
 15 Watchtower’s motion for a protective order, and ultimately ordered that  
 16 Watchtower produce documents without redactions, except for the names and  
 17 personal identifying information of potential victims, certain elders in the  
 18 congregation, and third-party victims and participants.

19       5. The May 17 Order prohibits Watchtower from redacting the names of,  
 20 for example, family members of victims, who frequently share last names with  
 21 victims, Congregation members and friends the disclosure of whose names would  
 22 disclose victims’ names or otherwise cause the victims to be identifiable.

23       6. Plaintiffs are members of some of the congregations of Jehovah’s  
 24 Witnesses that supplied the documents at issue in the State Litigation to  
 25 Watchtower (the “Congregations”). Each one of them is named, identified, or  
 26 described in the documents that must be produced pursuant to the May 17 Order,  
 27 and each one of them faces a serious risk that their privacy will be violated if the  
 28 documents are produced without the redactions requested herein. Three of them are

1 victims whose names will be redacted, and yet each faces a risk of identification  
2 because the names of their family members will not be redacted. The other three  
3 are family members of victims who are concerned for their own privacy and for the  
4 privacy of their victim family members. All six Plaintiffs are mentioned in the  
5 documents in the context of sexual abuse, assault, and molestation—allegations  
6 that expose Plaintiffs to extreme harassment, humiliation, ridicule, social  
7 stigmatization, and physical and emotional distress, and that infringe upon their  
8 religious freedoms.

9       7. By this Complaint, Plaintiffs ask this Court to enjoin Defendant  
10 Superior Court of California, County of Orange, from enforcing the May 17 Order  
11 as currently issued, on grounds that the May 17 Order violates the constitutionally  
12 protected rights to privacy and religious liberty of Plaintiffs in violation of 42  
13 U.S.C. § 1983, the United States Constitution, the Constitution of the State of  
14 California, and California law.

## PARTIES

16        8. Plaintiffs are individual members of the Congregations. Plaintiffs are  
17 permitted to bring this Complaint under pseudonymous names pursuant to *Does I*  
18 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058 (9th Cir. 2000).

19       9.     Defendant Superior Court of California, County of Orange  
20 (hereinafter “Defendant”), is a public entity located and/or operating in the County  
21 of Orange and created and/or existing under the laws of the State of California.

## **JURISDICTION AND VENUE**

23       10. This Court has subject matter jurisdiction over this action pursuant to  
24 28 U.S.C. §§ 1331, 1343, 1367 and 42 U.S.C. § 1983.

25        11.    Venue is proper in the Central District of California under 28 U.S.C. §  
26 1391(b) because Defendant is an Orange County entity and/or the events or  
27 omissions giving rise to the claims herein occurred in this District.

## FACTUAL ALLEGATIONS

## Watchtower and the 1997 Body of Elder Letter

3       12. Watchtower is a non-profit organization whose purpose is supporting  
4 the faith of Jehovah’s Witnesses. On March 14, 1997, in an effort to ensure the  
5 spiritual cleanliness and purity of the congregations of Jehovah’s Witnesses in the  
6 United States, Watchtower distributed a letter to approximately 10,000  
7 congregations of Jehovah’s Witnesses (the “1997 Body of Elder Letter”)  
8 instructing elders (spiritually-qualified men who take the lead in individual  
9 congregations) to send a written report to Watchtower about “anyone who is  
10 currently serving or formerly served in a [Watchtower]-appointed position in your  
11 congregation who is known to have been guilty of child molestation in the past.”  
12 Watchtower instructed that this information should be kept in extreme confidence.  
13 The 1997 Body of Elder Letter also reminded elders of prior letters stating that  
14 when a known child molester moves to another congregation, a letter of  
15 introduction should be sent to the new congregation and a copy of the letter should  
16 be sent to Watchtower. A copy of this letter is attached hereto as Exhibit A.

17       13. In response to the 1997 Body of Elder Letter, thousands of pages of  
18 reports were written and sent to Watchtower. Many of the reports include deeply  
19 private details regarding individual Jehovah's Witnesses' experiences with sexual  
20 assault, sexual abuse, and molestation. Additionally, many of the reports include  
21 names and information about victims, perpetrators, individuals who were thought  
22 to be victims or perpetrators but in fact were not, and all sorts of third parties,  
23 including family members, friends, the elders in whom the Witnesses confided,  
24 Bible teachers, and other members of the community and/or congregation.

25       14. In addition, in the faith of Jehovah's Witnesses, on occasion  
26 congregation elders would send correspondence to Watchtower seeking the  
27 spiritual assistance and spiritual and Scriptural guidance of experienced elders in  
28 handling matters involving congregants who engaged in conduct that represented a

1 serious deviation from Biblical standards (including the sin of child abuse) separate  
 2 and apart from the 1997 Body of Elder Letter. That correspondence was intended  
 3 to be and was recognized by all parties involved as confidential and restricted from  
 4 general circulation. When the correspondence addressed the sin of child abuse, it  
 5 also contained information that was extremely private and potentially deeply  
 6 humiliating or damaging. It included names and information about victims,  
 7 perpetrators, individuals who were thought to be victims but in fact were not, and  
 8 all sorts of third parties, including family members, friends, the elders in whom  
 9 congregants confided, Bible teachers, and other members of the community and/or  
 10 congregation.

11 **The State Litigation and the Zalkin Law Firm's Violations of Protective  
 12 Orders**

13 15. On August 25, 2014, plaintiffs Roe 1 and Roe 2, who attended some  
 14 meetings but were never Jehovah's Witnesses, initiated the State Litigation against  
 15 defendants Does 1-3, who are a congregation of Jehovah's Witnesses, an alleged  
 16 perpetrator, and Watchtower (identified in the State Litigation as "the supervisory  
 17 organization"). The State Litigation is a civil dispute between private parties in  
 18 which the State of California is not a party, intervenor, or real party in interest. It  
 19 is not a criminal or quasi-criminal proceeding.

20 16. During the course of the State Litigation, plaintiff Roe 1 propounded  
 21 on Watchtower two requests for production of documents of relevance here.  
 22 Request No. 18 seeks "[a]ll letters, emails, facsimiles, or other documentary,  
 23 tangible, or electronically stored information of any kind, Watchtower Bible and  
 24 Tract Society of New York, Inc. received in response to the Body of Elder Letter  
 25 Dated March 14, 1997," ("RFP No. 18"). Request No. 19 seeks "[a]ny and all  
 26 individual written accounts, reports, summaries, letters, emails, facsimiles, and  
 27 records, whether or not compiled, concerning reports of sexual abuse of children  
 28 by members of the Jehovah's Witnesses, including but not limited to, Governing

1 Body members, district overseers, circuit overseers, elders, ministerial servants,  
2 pioneers, publishers, baptized publishers, and individuals from the time period of  
3 1979 to the present,” (“RFP No. 19”).

4       17. On February 21, 2018, Watchtower filed a motion for a protective  
5 order for relief from responding to RFP Nos. 18 and 19 on grounds that responses  
6 thereto would violate the clergy-penitent privilege and violate the constitutionally-  
7 protected privacy rights of individuals identified in the responsive documents.

8       18. In support of Watchtower’s motion for a protective order, Joel M.  
9 Taylor, Watchtower’s in-house counsel, submitted a declaration stating that  
10 Watchtower had evidence that the Zalkin Law Firm (“Zalkin”), counsel for  
11 plaintiffs in the State Litigation, would use any documents produced in response to  
12 RFP Nos. 18 and 19 in a manner that violated the existing protective order and/or  
13 the privacy of the people identified in the documents because Mr. Devin Storey, a  
14 member of Zalkin, informed Mr. Taylor that Zalkin would file any produced  
15 documents as exhibits to a motion under seal and would then move to have the  
16 exhibits unsealed. As set forth in Mr. Taylor’s declaration, Mr. Storey also  
17 informed Mr. Taylor that if the motion to unseal the exhibits failed, his law firm  
18 knew a member of the press, Trey Bundy, and that the firm would work with Mr.  
19 Bundy to file a motion on behalf of the press to have the exhibits unsealed and  
20 release the documents into the public domain. Mr. Taylor’s declaration also  
21 submitted evidence demonstrating that Mr. Irwin Zalkin of the Zalkin firm had  
22 already used documents substantially similar to the documents that would be  
23 produced in the State Litigation (which themselves were produced in an earlier  
24 related case) in a manner that violated an applicable protective order for the  
25 purpose of aiding him in another lawsuit, and had discussed those documents in a  
26 public interview with Mr. Bundy.

27       19. Publication of the documents could have deleterious effects on abuse  
28 victims and others.

1

**The May 17 Order**

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3       20. Notwithstanding Mr. Taylor's declaration and the declarations of Drs.  
 4 Cohen and Younggren, on May 17, 2018, the Court issued an order partially  
 5 denying and partially granting Watchtower's motion for a protective order as  
 6 follows: with respect to RFP No. 18, Watchtower was ordered to respond to the  
 7 request and to "redact the names and personal identifying information of potential  
 8 victims of molestation and the names of the elders in the congregation who  
 9 authored the responses to protect third-parties' right to privacy." With respect to  
 10 RFP No. 19, the Court limited "any document production to the terms as follows:  
 11 (1) redaction of personally-identifying information for alleged third-party victims  
 12 and third party participants; (2) a protective order to govern use of such documents  
 13 (*i.e.*, use and dissemination is limited for purposes of this litigation only); and (3) a  
 14 limited scope of time from 1989-1999." With respect to both requests, the Court  
 15 ordered that use and dissemination of any responsive documents be limited for  
 16 purposes of the litigation only.

17       21. Pursuant to the May 17 Order, Watchtower is obligated to produce  
 18 documents responsive to RFP Nos. 18 and 19 and is prohibited from redacting the  
 19 names or identifying information of anyone who is not a victim, or an elder who  
 20 authorized or signed the correspondence.

21

**The Impacts of the May 17 Order on Plaintiffs**

22

23       22. Plaintiff Doe 1 is a member of a congregation of Jehovah's Witnesses.  
 24 Plaintiff Doe 1 is the father of a victim, a wholly disinterested person and non-  
 25 party to the State Court Litigation who, on information and belief, is named,  
 26 identified, or otherwise described in Document 1, a document that is currently  
 27 subject to production without redactions relating to Plaintiff Doe 1 under the May  
 28 17 Order. On information and belief, Document 1 states that in approximately late  
 1996 or early 1997, Plaintiff Doe 1 was accused of, investigated for, and

1 exonerated of, sexual abuse of his daughter, Plaintiff Doe 2, after she sustained a  
2 bruise injury to her vagina while riding a bicycle. During the course of the secular  
3 investigation conducted by social services and the police, as well as the spiritual  
4 investigation conducted by elders of a Congregation, Plaintiff Doe 2 admitted that  
5 she had engaged in masturbation, had played in a sexual manner with a toy stuffed  
6 rabbit, and that she had watched sexually explicit movies that initiated her sexual  
7 thoughts and conduct. Plaintiff Doe 2 told the investigators that her father, Plaintiff  
8 Doe 1, had never touched her inappropriately in any way. Pursuant to the  
9 recommendation of the social services investigators, the District Attorney declined  
10 to file charges against Plaintiff Doe 1 and he was exonerated. Because Plaintiff  
11 Doe 1 is not a victim or other person subject to redaction under the May 17 Order,  
12 Watchtower will not be permitted to redact Plaintiff Doe 1's name when Document  
13 is produced. If this Court does not enjoin the May 17 Order and require that, at  
14 minimum, Plaintiff Doe 1's name and other identifying information (such as his  
15 wife's name) be redacted, the information in Document 1 will become known to  
16 attorneys, experts, and possibly others in the State Litigation and elsewhere, and  
17 Plaintiff Doe 1 will face a serious risk of extreme harassment, humiliation, ridicule,  
18 social stigmatization, professional repercussions such as job loss or reputation  
19 harm, and physical and emotional distress. Such an intrusion in this deeply  
20 personal and private matter that was intended for religious review would inhibit  
21 Plaintiff Doe 1 and his family's ability to freely exercise their faith without fear of  
22 government intervention. Moreover, Plaintiff Doe 2's identity will become known  
23 because, even though her name will be redacted as a victim, she shared her father's  
24 last name at the time. Plaintiff Doe 1 is concerned for his privacy as well as that of  
25 his daughter, Plaintiff Doe 2.

26       23. Plaintiff Doe 2 is a member of a congregation of Jehovah's Witnesses.  
27 Plaintiff Doe 2 is a victim and, on information and belief, is named, identified, or  
28

1 otherwise described in Document 1,<sup>1</sup> a document that is currently subject to  
 2 production without redactions relating to Plaintiff Doe 2's father, Plaintiff Doe 1,  
 3 under the May 17 Order. On information and belief, Document 1 states that in  
 4 approximately 1997, Plaintiff Doe 1 was accused of, investigated for, and  
 5 exonerated of, sexual abuse of his daughter, Plaintiff Doe 2, after she sustained a  
 6 bruise injury to her vagina while riding a bicycle. During the course of the secular  
 7 investigation conducted by social services and the police, and a spiritual  
 8 investigation conducted by elders of the Congregation, Plaintiff Doe 2 admitted  
 9 that she had engaged in masturbation, had played in a sexual manner with a toy  
 10 stuffed rabbit, and that she had watched sexually explicit movies that initiated her  
 11 sexual thoughts and conduct. Plaintiff Doe 2 told the investigators that her father,  
 12 Plaintiff Doe 1, had never touched her inappropriately in any way. Pursuant to the  
 13 recommendation of the social services investigators, the District Attorney declined  
 14 to file charges against Plaintiff Doe 1 and he was exonerated. As a victim, Plaintiff  
 15 Doe 2's name will be redacted when Document 1 is produced under the May 17  
 16 Order, but her father's will not. If this Court does not enjoin the May 17 Order and  
 17 require that, at minimum, Plaintiff Doe 1's name and other identifying information  
 18 (such as his wife's name) be redacted, the information in Document will become  
 19 known to attorneys, experts, and possibly others in the State Litigation and  
 20 elsewhere, and Plaintiff Doe 2's identity will become known because, even though  
 21 her name will be redacted as a victim, she shared her father's last name at the time.  
 22 Plaintiff Doe 2 will, therefore, face a serious risk of extreme harassment,  
 23 humiliation, ridicule, social stigmatization, professional repercussions such as job  
 24 loss or reputation harm, and physical and emotional distress. Such an intrusion in  
 25 this deeply personal and private matter that was intended for religious review

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26  
 27 <sup>1</sup> As Plaintiffs Does 1 and 2 are both named or identified in Document 1, this Complaint  
 28 intentionally omits any reference to a Document 2 for the sake of clarity. Instead,  
 allegations pertaining to Plaintiff Doe 3 are made with reference to Document 3,  
 allegations pertaining to Plaintiff Doe 4 are made with reference to Document 4, and so  
 forth.

1 would inhibit Plaintiff Doe 2's ability to freely exercise her faith without fear of  
 2 government intervention. Plaintiff Doe 2 is concerned for her privacy.

3       24. Plaintiff Doe 3 is a member of a congregation of Jehovah's Witnesses.  
 4 Plaintiff Doe 3 is a victim and, on information and belief, is named, identified, or  
 5 otherwise described in Document 3, a document that is currently subject to  
 6 production without redactions relating to Plaintiff Doe 3's parents under the May  
 7 17 Order. On information and belief, Document 3 states that Plaintiff Doe 3 was  
 8 sexually abused for years by her father, who fondled her breasts and touched her in  
 9 the vaginal area. As a victim, Plaintiff Doe 3's name will be redacted when  
 10 Document 3 is produced under the May 17 Order, but her father's and mother's  
 11 will not. If this Court does not enjoin the May 17 Order and require that, at  
 12 minimum, Plaintiff Doe 3's parents' names and other identifying information to be  
 13 redacted, the information in Document 3 will become known in the State Litigation  
 14 and Plaintiff Doe 3's identity will become known because, even though her name  
 15 will be redacted as a victim, the identity of the victim referred to in Document 3  
 16 will be abundantly clear. Plaintiff Doe 3 will, therefore, face a serious risk of  
 17 extreme harassment, humiliation, ridicule, social stigmatization, and physical and  
 18 emotional distress. Old wounds would be unnecessarily reopened. Plaintiff Doe 3  
 19 is concerned for her privacy since the abuse ended long ago in 1977.

20       25. Plaintiff Doe 4 is a member of a congregation of Jehovah's Witnesses.  
 21 Plaintiff Doe 4 is the father of a victim and, on information and belief, is named,  
 22 identified, or otherwise described in Document 4, a document that is currently  
 23 subject to production without redactions relating to Plaintiff Doe 4 under the May  
 24 17 Order. On information and belief, Document 4 states that for years, starting in  
 25 1985, Plaintiff Doe 4's daughter was sexually abused more than 40 times by  
 26 another member of the Congregation, who made her perform oral sex on him and  
 27 was ultimately disfellowshipped after an investigation by the elders of the  
 28 Congregation. This perpetrator was prosecuted and sentenced to prison for 30

1 years and was released after 16 years. The perpetrator is now living in the victim's  
2 community as a registered sex offender. Because Plaintiff Doe 4 is not a victim or  
3 other person subject to redaction under the May 17 Order, Watchtower will not be  
4 permitted to redact Plaintiff Doe 4's name when Document 4 is produced. If this  
5 Court does not enjoin the May 17 Order and require that, at minimum, Plaintiff  
6 Doe 4's name and other identifying information be redacted, the information in  
7 Document 4 will become known in the State Litigation and Plaintiff Doe 4 will  
8 face a serious risk of extreme harassment, humiliation, ridicule, social  
9 stigmatization, professional repercussions such as job loss or reputation harm, and  
10 physical and emotional distress. Moreover, Plaintiff Doe 4's daughter's identity  
11 will become known because, even though her name will be redacted as a victim,  
12 she shares her father's last name. Plaintiff Doe 4 is concerned for his privacy as  
13 well as that of his daughter, who, as a result of the abuse, has become an alcoholic,  
14 has attempted suicide, and cannot live without adult support.

15       26. Plaintiff Doe 5 is a member of a congregation of Jehovah's Witnesses.  
16 Plaintiff Doe 5 is a victim and, on information and belief, is named, identified, or  
17 otherwise described in Document 5, a document that is currently subject to  
18 production without redactions relating to Plaintiff Doe 5's brother under the May  
19 17 Order. On information and belief, Document 5 states that Plaintiff Doe 5,  
20 starting in the early 1960s, was sexually abused by her brother starting from when  
21 she was 12 and he was 14 years old. The abuse lasted for two years. As a victim,  
22 Plaintiff Doe 5's name will be redacted when Document 5 is produced under the  
23 May 17 Order, but her brother's will not. If this Court does not enjoin the May 17  
24 Order and require that, at minimum, Plaintiff Doe 5's brother's name and other  
25 identifying information be redacted, the information in Document 5 will become  
26 known in the State Litigation and Plaintiff Doe 5's identity will become known  
27 because, even though her name will be redacted as a victim, she shares her  
28 brother's last name. Plaintiff Doe 5 will, therefore, face a serious risk of extreme

1 harassment, humiliation, ridicule, social stigmatization, professional repercussions  
 2 such as job loss or reputation harm, and physical and emotional distress. Plaintiff  
 3 Doe 5 is concerned for her privacy.

4       27. At all relevant times, Plaintiff Doe 6 was a member of a congregation  
 5 of Jehovah's Witnesses. On information and belief, Plaintiff Doe 6 and his two  
 6 sons are named, identified, or otherwise described in Document 6, a document that  
 7 is currently subject to production without redactions relating to Plaintiff Doe 6 or  
 8 his older son under the May 17 Order. On information and belief, Document 6  
 9 states that when Plaintiff Doe 6's older son was 12 years old, he watched a  
 10 television program concerning different religious practices. From that television  
 11 program, his son somehow got the idea to put his mouth on his infant brother's  
 12 genitals. Although the conduct was not intentionally sexual in nature, Plaintiff  
 13 Doe 6's older son was spiritually troubled by his behavior throughout his early teen  
 14 years, until he finally confessed to his father and some elders from their  
 15 Congregation about what he had done. Plaintiff Doe 6 provided information about  
 16 his son's actions toward his infant brother to the elders of his Congregation to seek  
 17 help ensuring all concerned retained a healthy relationship with God. Some of the  
 18 information shared with congregation elders was, on information and belief, put  
 19 into Document 6. On information and belief, the letter was written so that the  
 20 elders could seek spiritual direction and advice from elders assisting Watchtower  
 21 regarding whether Plaintiff Doe 6's older son should be considered an abuser,  
 22 which was not clear given his youth and the limited nature of the conduct. Plaintiff  
 23 Doe 6 and his older son provided that information to receive spiritual guidance and  
 24 reprieve, fully believing that it would be kept in extreme confidence, and would be  
 25 shared only among the elders who were involved and the elders at Watchtower.  
 26 Because Plaintiff Doe 6 and his older son are not victims or other persons subject  
 27 to redaction under the May 17 Order, Watchtower will not be permitted to redact  
 28 Plaintiff Doe 6's name or that of his older son when Document 6 is produced. If

1 this Court does not enjoin the May 17 Order and require that, at minimum, Plaintiff  
2 Doe 6's name, the name of his older son, and other identifying information be  
3 redacted, Plaintiff Doe 6's younger son will be easily identified, even if his name is  
4 redacted, as they share the same last name. His involvement in a spiritual  
5 investigation into childhood conduct, and the details of that conduct, will become  
6 known to attorneys, experts, and possibly others in the State Litigation and  
7 elsewhere. Such a secular examination of this deeply personal and private matter  
8 that was solely intended for religious review would inhibit their family's ability to  
9 freely exercise their faith without fear of government intervention, including  
10 having privately confessed concerns to their spiritual leaders not kept confidential.  
11 As Jehovah's Witnesses, they deeply believe that confession to the elders and  
12 repentance are essential to attain to salvation. To this day, Plaintiff Doe 6's  
13 younger son, who is now an adult, is unaware of the investigation or his older  
14 brother's one-time physical contact, as he was just an infant at the time and no one  
15 has ever discussed this matter with him. Plaintiff Doe 6 is thus gravely concerned  
16 about the impact on his younger son's privacy and well-being if Document 6 is  
17 produced without redacting his name and his older son's name. Moreover,  
18 Plaintiff Doe 6's younger son currently has a good relationship with his brother,  
19 and Plaintiff Doe 6 is concerned that their relationship could be damaged if  
20 Document 6 becomes known. Likewise, Plaintiff Doe 6 is concerned for his older  
21 son's privacy and his own if Document 6 becomes known. They have a reasonable  
22 fear of extreme harassment, humiliation, ridicule, social stigmatization,  
23 professional repercussions such as job loss or reputation harm, and physical and  
24 emotional distress if Document 6 is produced without redacting Plaintiff Doe 6's  
25 name and his older son's name. Plaintiff Doe 6 has grave concerns about his  
26 privacy rights, as well as those of both his sons, and wants to protect the voluntary  
27 confession of his son who was seeking spiritual reprieve, a confession Plaintiff  
28 Doe 6 encouraged him to make in complete confidentiality to their spiritual

1 leaders.

2       28. Moreover, given the statements made by Mr. Storey to Mr. Taylor, as  
 3 set forth in Mr. Taylor's declaration in the State Litigation, and the other conduct  
 4 of the Zalkin Law Firm, Plaintiffs are concerned that Documents 1-6 will be used  
 5 in a manner that violates the protective order entered in the State Litigation and/or  
 6 their privacy, as the Zalkin Law Firm has made clear its desire to get the  
 7 documents into the public domain, without any regard for the harm that would  
 8 cause to Plaintiffs and other individuals identified in the documents.

9 **The May 17 Order's Other Impacts on Victims of Abuse**

10       29. To be sure, disclosure of any scintilla of third party information,  
 11 including but not limited to the names of the individuals or even the congregations  
 12 involved, could have far-reaching and traumatic consequences for victims of  
 13 abuse. Documentation filed in the State Litigation indicates, and Plaintiffs herein  
 14 confirm, that Congregations bear the name of the areas in which they are located,  
 15 and they are comprised of small numbers of fellow-worshippers. Thus, the  
 16 identification of Congregations in the documents at issue would necessarily lead to  
 17 the identification of the victims and others involved.

18       30. It is not difficult to imagine the horrors survivors of abuse could  
 19 experience if they woke up one morning and discovered that deeply personal and  
 20 private matters they had discussed in a confidential religious setting were now  
 21 publicly available on the Internet. That is the avowed purpose of the Zalkin Law  
 22 Firm in the State Litigation. Production pursuant to the May 17 Order, as currently  
 23 issued, creates a genuine risk that a survivor may engage in self-harm or commit  
 24 suicide.

25       **COUNT 1 – U.S. CONST. AMENDS. IV, V, XIV**

26       31. Plaintiffs repeat, reallege, and incorporate the allegations in  
 27 paragraphs 1-30 as if fully set forth herein.

28       32. By compelling the disclosure of the names or other identifying

1 information of Plaintiffs or their family members, Defendant will unlawfully and  
 2 substantially deprive Plaintiffs of the privacy rights secured by the IV, V, and XIV  
 3 Amendments of the United States Constitution, in violation of 42 U.S.C. § 1983.

4       33. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs  
 5 are entitled to a declaratory judgment and injunctive relief prohibiting Defendant  
 6 from ordering production of the documents, unless Plaintiffs' names and other  
 7 identifying information, or the names of Plaintiffs' family members as herein  
 8 requested, are redacted.

9                   **COUNT 2 – CONST. OF STATE OF CALIFORNIA, ART. I, § 1**

10       34. Plaintiffs repeat, reallege, and incorporate the allegations in  
 11 paragraphs 1-33 as if fully set forth herein.

12       35. By compelling the disclosure of the names or other identifying  
 13 information of Plaintiffs or their family members, Defendant will unlawfully and  
 14 substantially deprive Plaintiffs of the privacy rights secured by the Constitution of  
 15 the State of California, Art. I, § 1.

16       36. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs  
 17 are entitled to a declaratory judgment and injunctive relief prohibiting Defendant  
 18 from ordering production of the documents, unless Plaintiffs' names and other  
 19 identifying information, or the names of Plaintiffs' family members as herein  
 20 requested, are redacted.

21                   **COUNT 3 – U.S. CONST. AMEND. I**

22       37. Plaintiffs repeat, reallege, and incorporate the allegations in  
 23 paragraphs 1-36 as if fully set forth herein.

24       38. By compelling the disclosure of the names or other identifying  
 25 information of Plaintiffs or their family members, Defendant will unlawfully and  
 26 substantially deprive Plaintiffs of the religious liberties secured by the Free  
 27 Exercise and Establishment Clauses of the First Amendment of the United States  
 28 Constitution, in violation of 42 U.S.C. § 1983.

1       39. By compelling the disclosure of the names or other identifying  
2 information of Plaintiffs or their family members, Defendant will unlawfully and  
3 substantially deprive Plaintiffs of the protections afforded by the clergy-penitent  
4 privilege, in violation of California Evidence Code § 1033, which provides that “a  
5 penitent, whether or not a party, has a privilege to refuse to disclose, and to prevent  
6 another from disclosing, a penitential communication if he or she claims the  
7 privilege.”

8       40. Plaintiffs have no adequate remedy at law to avert this harm. Plaintiffs  
9 are entitled to a declaratory judgment and injunctive relief prohibiting Defendant  
10 from ordering production of the documents, unless Plaintiffs' names and other  
11 identifying information, or the names of Plaintiffs' family members as herein  
12 requested, are redacted.

## PRAYER FOR RELIEF

14 Wherefore, Plaintiffs request judgment be entered in their favor and against  
15 Defendant as follows:

16 a. An order declaring that the Plaintiffs have protectable privacy rights  
17 in the documents that are subject to the May 17 Order.

18           b. An order granting preliminary injunctive relief from taking any action  
19 to enforce, implement, or otherwise achieve the document productions provided  
20 for in the May 17 Order as currently issued, with respect to the unredacted names  
21 or identifying information of Plaintiffs or their family members;

22 c. An order permanently enjoining Defendant from taking any action to  
23 enforce, implement, or otherwise achieve the document productions provided for  
24 in the May 17 Order as currently issued, with respect to the unredacted names or  
25 identifying information of Plaintiffs or their family members;

26 d. A judgment declaring that the May 17 Order, as currently issued,  
27 violates the United States Constitution and is null and void;

28 e. A judgment declaring that the May 17 Order, as currently issued,

1 violates the Constitution of the State of California, Art. I, § 1 and is null and void;  
2 f. Damages in an amount to be determined at trial;  
3 g. An award to Plaintiffs of their reasonable attorneys' fees and costs  
4 under 42 U.S.C. § 1988; and  
5 h. Such additional or different relief as the Court deems just and proper.

6 Date: August 23, 2018

7 Respectfully submitted,

8 CROCKETT & ASSOCIATES

9 By /s/ Robert D. Crockett  
10 Attorneys for Plaintiffs

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